



City of Carmel

CARMEL PLAN COMMISSION SUBDIVISION COMMITTEE **MINUTES**

TUESDAY, MARCH 7, 2006

**LOCATION: CAUCUS ROOMS
CARMEL CITY HALL
ONE CIVIC SQUARE
CARMEL, IN 46032**

**TIME: 6:00 P.M.
DOORS OPEN AT 5:30 P.M.**

Those Present:

Representing the Committee:

Dan Dutcher
Wayne Haney
Kevin Heber
Rick Ripma
Carol Schleif

Representing the Department:

Angie Conn
Adrienne Keeling

Of Counsel:

John Molitor

Rick Ripma called the meeting to order at 6:03p.m.

The Subdivision Committee will meet to consider the following items:

- 1. Docket No. 06010026 ADLS Amend: CMC Properties Business Park**
The applicant seeks to build the second of three office buildings in the CMC Properties Business Park. The request is an amendment of an earlier, approved ADLS. The site is located at 13295 Meridian Corners and is zoned B-5. Filed by E. Davis Coots of Coots, Henke, and Wheeler for CMC Properties.

Present for the Petitioner: Greg Land with CMC Properties, and Dave Coots with Coots, Henke, and Wheeler.

Petitioner's Presentation: Dave Coots said that this is the second building that will be placed in the Business Park. He said that it would be almost identical to the building that exists there now in all building materials with the exception that staff has requested that the glass component be

inverted.

Staff Comments: Angie Conn pointed out that this request is only a slight modification of the architecture of the building and that the petition will only require approval by the Committee.

Kevin Heber asked for clarification on when the project began.

Dave Coots said that the project began in 2002.

Carol Schleif commented that she would like to see more design elements. She said that this elevation doesn't strike her as the level of quality that she would like to see in Carmel.

Wayne Haney said that the petitioner seems to be designing to an ancient formula and that he doesn't think that this is a particularly handsome building.

Dave Coots pointed out that the ordinance criteria has been met.

Angie Conn added that the overall site design and layout has been approved and that the petitioner is just tweaking the architectural features. She said that the petitioner had met the standards of the ordinance; therefore the Department didn't have major issues with this change.

Rick Ripma clarified that the Committee does have the power to deny the architecture.

Kevin Heber asked the petitioner to clarify what the original building looked like for comparison.

Dave Coots reviewed the details that were changed on the elevations for the Committee members.

Rick Ripma clarified that the architecture was already approved when the proposal went through the first time and that the petitioners can build what is being proposed, can be directed to redesign, but would always have the option of building what had already been approved.

Carol Schleif commented that she definitely liked the proposed change better.

Dan Dutcher asked if the Committee members find this new design more or less compelling than what was designed before. He added that he liked the new proposal a little better. He said that he would rather approve this than go back to the status quo.

Motion: Dan Dutcher made formal motion to **approve** docket number **06010026 ADLS Amend: CMC Properties Business Park**.

Kevin Heber seconded the motion.

Motion was **approved 5-0**.

2. Docket No. 06020001 ADLS Amend: B Meylor Interiors – Signage

The applicant seeks approval for a new wall sign.

The site is located at 130 W Main is zoned I-1 and is in the Old Town Overlay.

Filed by Bonnie Meylor for B Meylor Interiors.

Present for the Petitioner: Bonnie Meylor with B Meylor Interiors.

Petitioner's Presentation: Bonnie Meylor said that the property is located at 130 W. Main Street. She said that she is the new occupant in the old Chaos building. She said that they are requesting signage and lighting on the face of the building. She said that it would be exactly like what Chaos had before. She said that the only difference would be the colors and that the colors would blend better with what existed across the street.

Staff Comments: Angie Conn said that the sign complies with the ordinance and it is Amli Old Town that is across the street from the sign. She said that the Department Report states that the building will be demolished in four to six months, so the petitioner is thinking about taking the sign, if approved, to a new site. She said that she wanted to let the Subdivision Committee know that the petitioner would have to come back again for another ADLS Amendment for the new site.

Carol Schleif clarified that the size of the sign would be 12 by 30.

Motion: Kevin Heber made formal motion to **approve** docket number **06020001 ADLS Amend: B Meylor Interiors Signage**.

Wayne Haney seconded the motion.

Motion was **approved 5-0**.

3. Docket No. 06020003 ADLS Amend: The Great Frame Up

The applicant seeks approval for a building addition, parking, landscaping, and signage.

The site is located at 21 First Street SW and is zoned B1.

Filed by Mark Fraley for The Great Frame Up.

Present for the Petitioner: Mark Fraley with The Great Frame Up.

Petitioner's Presentation: Mark Fraley stated that last month's meeting left him with three issues that needed to be addressed before the approval could be entertained. He said that there was an issue with the setback in the backyard only being 11.5 feet. He said that they had applied for a variance. He said that it was their understanding that the alley would be vacated, but since the City Engineers aren't sure what will happen back there, so the petitioner elected to just apply for the variance. He said that the other issue was the salvaging of the Silver Maple in the front yard. He said that they would keep that tree. He said that they have presented a parking plan acceptable by Scott Brewer and the City Engineers. He said that Scott Brewer did say that the petitioner would be required to use structural soils underneath the parking space to allow the tree to regrow its finger roots and stay

healthy. He clarified that the parking spaces were together in the parking plan. He said that the other issue was the on street parking that the City Engineer was going to require the petitioner to install. He said that the possible costs would be \$15,000.00 to \$18,000.00 for the space. He said that the City Engineers agreed that would be a little steep for someone to have to take on for a single parking space. He said that the City Engineers had backed off on that issue and are not going to require it.

Staff Comments: Angie Conn said that the Department is satisfied with all of the revisions and recommends that the Committee approve the request contingent upon the Board of Zoning Appeals approval of the petitioner's variance.

Carol Schleif asked what type of siding the petitioner would be using on the building.

Mark Fraley responded that it would be a vinyl siding much like what was already on there only it would have a wood grain.

Carol Schleif responded that the trim work was wood.

Mark Fraley responded that the trim work would remain wood.

Carol Schleif asked if the windows were going to be replaced and if so, with what.

Mark Fraley said that the plan was to do vinyl windows for cost aspect.

Carol Schleif asked if the existing windows were unrepairable.

Mark Fraley said that they think so, but that they would be happy to investigate.

Carol Schleif said that the two things that really nail an old building are vinyl siding and replacing windows when they can be repaired. She said that she just feels like that building should have wood siding on it.

Dan Dutcher said that if the siding on the building is already vinyl, then he doesn't see a problem.

Carol Schleif said that if they are going to replace it, then they might just replace it with appropriate materials. She said that if they were across the street they would have to.

Discussion ensued regarding the cost difference between vinyl siding and cedar siding.

Carol Schleif said that she knew that vinyl on new construction had been turned down because it was a lower standard than what the City wanted to see in Carmel.

Angie Conn added that if this property were in the Old Town overlay, there is the option of doing high quality vinyl.

Rick Ripma said that the materials were about the same cost. He asked if the petitioners used high quality vinyl what would be the issue.

Wayne Haney responded that the issue would be authenticity.

Carol Schleif commented that she feel the petitioner should go with a quality material.

Mark Fraley said that if everyone on the Committee would agree to requiring a cedar or cementia siding, then, he said that he would be fine with it. He said that was what he would do. He said that he would look at the windows also to see if they could be repaired. He said that he would go with Cedar siding.

Motion: Dan Dutcher made formal motion to **approve** docket number **06020003 ADLS Amend: The Great Frame Up contingent upon the installation of cedar siding, Board of Zoning Appeals approval of the setback variance, and due diligence with regards to the window repairs versus replacement.**

Wayne Haney seconded the motion.

Motion was **approved 5-0.**

4. Docket No. 06010001 Z: Monon Townes PUD

The applicant seeks to rezone 6.81 acres from R1/Residential to PUD/Planned Unit Development for the purpose of creating 65 townhomes.

The site is located at 1001 Rohrer Road.

Filed by Ann M. Walker for Pulte Homes of Indiana, LLC.

Present for the Petitioner: Ann Walker-Kloc with Pulte Homes, Charlie Frankenberger with Nelson and Frankenberger representing Pulte Homes.

Petitioner's Presentation: Charlie Frankenberger said that he represents Pulte Homes in this request for a change in zoning. He presented an aerial photograph. He said that the site is a seven-acre parcel. He said that the parcel is bordered on the West by Rohrer Road and on the East by the Monon Trail. He said that the O'Malia's shopping center, the Estridge Townhomes, residential subdivisions and an electrical substation are in the area. He said that the site is currently zoned R-2 and the petitioner is asking to have that zoning changed to PUD to permit upscale townhomes. He said that this request is consistent with the Comprehensive Plan. He said that a trailhead to the Monon was planned. He said that the petitioners have a meeting with the Parks Board on March 14, 2006 to discuss in detail the trailhead and to receive some help and input on planning it.

Organized Remonstrance Unfavorable:

James Blanchard, of 13707 Autumn Lake Overlook Drive, commented that he had submitted his demands in writing to the Committee members along with a petition including signatures of the

Homeowner's Association of the subdivision. He said that they are against the rezoning and if it were to go any further, then the Homeowners of the neighborhood have their demands that they would like.

Roland Barthuly, of 13819 Laredo Drive, said that he was the President of the Homeowner's Association in Hunter's Creek South. He said that they had expressed concerns at the neighborhood Board meeting. He said that they had drafted a letter addressed to the City Council members. He said that the "electrical substation" that Mr. Frankenberger spoke of was actually a Gas Pipeline pumping station. He clarified that the property was currently zoned R-1, not R-2. He said that there was one other issue that was not included in the letter that he provided to the Committee but that has come up since he put it together. He said that the concern is that there is no buffer. He said that the buffer in the area between any housing community or townhomes is that they are on a road. He said that there is no buffer between Autumn Lakes and this proposal. He said that the traffic that will be thrown out to Rohrer Road will be unbelievable. He said that most of their concerns were addressed in the letter on record.

General Public Comments Unfavorable:

Alice Craig, of 22 Circle Drive, said that she lives on the opposite side of the Monon from where this development is going to be. She said that she will look out their windows and see these townhomes across the Monon. She said that what they haven't heard about at all is what kind of drainage and what kind of sewers. She said that when Autumn Lake went in, they had to tunnel under the Monon and connect those homes with Circle Drive's sewer systems, which was to take care of only 29 houses for several acres of land. She said that she is wondering, when these sixty-five townhome units come in, are the petitioners going to need to tunnel under and again connect to Circle Drive's Sewer system. She said if that were the case, they would come directly through her yard to do that. She said that the other thing that they are very concerned about is the drainage. She said that the drainage in that property is drained by a ditch that goes to the South of the pumping station. She said that with that much building, she said she was wondering where all the water is going to go besides in her yard. She said that the current drainage situation causes her yard to flood and if there was one more inch of water her garage would be under water. She said that she was very concerned about the drainage.

Patrick Rondeau, of 13708 Autumn Lake Overlook, said that the property has severe elevation differences. He said that this is probably the highest piece of land in the whole area around there. He said that was partly what causes the drainage problems referred to by Ms. Craig. He said that the water is draining right into Autumn Lake. He said that what he hasn't heard is how the petitioners would alleviate that drainage problem when all of those homes go in there. He said that one thing that the neighbors had proposed and that the City Engineers had said that they wanted was that the new street would go between the properties and that would take care of the drainage problems. He said that the street would also serve as a solution to the buffering problem as well. He said that would also add a second entrance and give the subdivision the second entrance that would be required. He said that he hasn't seen anything that has addressed the traffic issues, the issues of connecting in and out of the subdivision, nor has he seen anything that has dealt with the issue of the drainage and the flooding that takes place in Autumn Lake as well as in the surrounding

subdivisions. He said that another comment he would like to make is that he thinks that the developers will have a hard time selling townhomes on the side of the property near the pumping station when the pumping station is running.

Jim Blanchard, of 13707 Autumn Lake Overlook, said that he has not seen the new plan or layout. He said that as the plan is now, Building number 5 would be exactly 35 feet from his home. He said that when you add a ten-foot deck on top of that, it's twenty-five feet from his home, and their backyard is literally in his front yard. He said that his neighbor across the street would have the same situation. He said that his neighbor across the street would probably have twenty feet for the property line minus ten feet for the deck.

Marshall Alexander, of 428 Leafy Branch, posed a question about saturation. She said that condos and townhomes are going up everywhere in Carmel. She asked if we knew what the occupancy rate was or what the vacancy rate was. She asked if Carmel was going to end up with a bunch of vacant buildings that can't be sold or rented. She said that the location of some made for a more downtown atmosphere, but that this development would be right in the middle of single family residential housing. She said that she just doesn't think that it is appropriate for the area. She presented pictures of other Pulte townhomes that she said looked much nicer than what was proposed. She said that even though she is one of the farther away from the proposed development, she would still be able to see it. She said that the area is a lot of single-story homes and that the two story homes were very traditional looking. She said there was a lot of brick, wood, and yard in the area and variety in architecture. She said that the proposed development was just not the type of thing that belongs in the middle of all of the houses in that area.

Billy Welch, of 13708 Seasons Bend, said that he lives in a ranch home that is going to be about twenty-five feet away from the new buildings. He said that the new residents of the proposed townhomes will be barbecuing on their balconies right on top of his fence. He asked if the Homeowner's Association would allow the units to be rented or subleased.

Petitioner's Rebuttal:

Charlie Frankenger said that regarding the appropriateness of the use; he thinks that it is helpful to realize that a lot of these residences are within the U.S 31 overlay zone. He said that he thinks that as time goes on, he thinks that there will be developmental pressure more and more up and down the area. He said that the Comprehensive Plan regarding the U.S. 31 corridor states that it is reserved for high intensity office uses, support retail, or commercial uses behind the frontage parcels. He said that it also indicates that along the edge of the residential community areas adjacent to high or medium intensity commercial areas, there should be a high intensity residential. He said that he thinks that the use is an appropriate use. He clarified that the US 31 corridor is 600 feet. He said that his only point is that what is being proposed is not inconsistent with the Comprehensive Plan. He said that the City Engineers, and the other agencies involved in the Technical Advisory Committee are not going to let the project go through without improving the conditions in the area. He presented a drawing that shows the distances from homes to the South. He said that 10 feet should be deducted from the distances for the porches.

Jim Blanchard, of 13707 Autumn Lake Overlook, said that he thinks that the distances are inaccurate. He said that his home is fifteen feet from the drainage and utility easement. He said that he wasn't going to have another engineered staked survey.

Discussion ensued regarding various suggested inaccuracies in the drawing that was presented.

Charlie Frankenger said that the petitioners would revisit the distances. He advised the petitioners to verify the distances to the remonstrators' property line and verify the proposed setback of the project, so that the petitioners would have an accurate distance to consider the adequacy of buffering. He said that the text of the PUD ordinance would have to correspond to require whatever setback is established.

An anonymous resident commented that it wasn't just a horizontal distance, but that vertical distance was also a concern.

Charlie Frankenger said that the first part of the petitioner's inquiry needed to be making sure that they had accurately represented the distances between the structures.

An anonymous resident asked how tall the buildings would be.

Dave Compton, with Pulte Homes, said that he thought they would be about 36 feet. He said that was the midpoint of the slope. He said that the top of the roof would be a little taller than that.

Charlie Frankenger commented that, regarding the market saturation, Pulte has determined, as have others who are bringing townhome projects, that there is a demand in this area for townhomes. He said that, historically speaking, the Plan Commission has concerned itself with land use and has left the issues of market demand to the Free Market system. He said that Pulte has determined that there is a demand for townhomes otherwise they would proceed with them.

Department Report:

Angie Conn said that the Department recommends that the Committee continue the request to the March 30, 2006 meeting after all issues are addressed.

Charlie Frankenger added that would be acceptable to the petitioners as well.

Charlie Frankenger said that he would go through the Department Report to address the items included in it. He said that the first item has to do with the buffering. He said that Staff has asked the petitioner to look into different forms of buffering including creating greater distance between the residential buildings to the South and the proposed townhomes. He said that the petitioners would do that and submit additional information on that point. He said that the second item was that the proposed townhomes should have side elevation detailing and that kind of goes into the third point, which is an observation by staff that many of the townhomes that have been proposed in

Carmel are two-story, Georgia-style red-brick townhomes. He said that the comment was whether something could be done to give a little more variety. He said that on those two points the petitioners would do what they could to provide some variety in the townhomes and the proposed architecture. He said that they would provide that updated information at the next Committee meeting. He said that on some of these points the petitioner could only say that they would return to the next Committee meeting with more information due to the timing of the last couple of meetings. He said that the fourth point was that the site must connect with the sidewalks that stub North from Autumn Lakes. He said that was an interesting point. He said that Autumn Lakes provided some sidewalk stubs. He said that typically when a new development comes in adjacent to an existing development. He said that the existing development doesn't want the new development to stub because if it stubs, then there is connectivity and that leads to a lack of privacy. He said that the petitioners felt that it would be more desirable to the Homeowners in the Autumn Lakes subdivision to not connect the streets, but to instead to provide emergency vehicle access, that the petitioners would provide this emergency vehicle access area. He said that it had been reviewed and determined acceptable by the Carmel Fire Department. He said that is why the petitioners decided not to connect it. He said that if the streets wouldn't connect then it wouldn't make sense to have the sidewalks connect. He said that number five was that the petitioner must commit to required upgrades to Rohrer Road. He said that the petitioners have worked in the past with the City Engineers and that they would continue to do it. He said that basically what is required is that the City Engineer looks at what the Thoroughfare Plan requires and determines the cost of what the Thoroughfare Plan requires and then looks at what the petitioner is going to be required to do and then determines the cost of that and subtracts it and requires the petitioner to pay the difference or to make improvements equal to that difference. He said that the petitioner is fine with doing that. He said that the sixth point is that street lights need to have cut off fixtures to reduce spill over of ambient light. He said that was acceptable. He said that the landscaping section should be revised and a new landscape plan should be submitted to the Urban Forester. He commented that was already done. He said that the eighth point was that there were a number of outstanding issues with the Engineering Department. He said that one is that it says that the petitioner has not responded to TAC comments from January 6, 2006. He said that his understanding was that Pulte's engineers are in communication with the City's Engineering Department on the TAC issues and will resolve all TAC issues to the satisfaction of the Engineering Department. He said that the second point from the Engineering comments is that the extension of Autumn Lake Overlook should intersect with the new public street at a ninety-degree angle. He said that he wasn't sure what was meant by that particular point. He said that if it is not a public street and remains an access for emergency vehicles only, he said that it would seem that point would be inapplicable. He clarified with the remonstrators that they would prefer to see a street behind their homes.

Jim Blanchard, of 13707 Autumn Lake Overlook Drive, commented that a public street would go through there and a cul-de-sac would be where building five sits currently.

Delia Blanchard, of 13707 Autumn Lake Overlook Drive, commented that putting a street in would solve a lot of issues. She said that the buildings would have to be pushed back. She said that she has two granddaughters and that there were a lot of children that lived on that street. She said that with those buildings being so close, there being no buffer, and there being a drainage problem, the compromise basically would be to have that street there that would take care of drainage and the

closeness of Pulte's buildings because they would have to be pushed back and then they would get to look at the front of the buildings instead of the back and there would be appropriate buffer.

Charlie Frankenger said that the petitioners would obviously study the buffering a little more closely and come up with some proposals for it. He said that he had some concerns about whether the remonstrators would want another street right behind your house. He said that the next Engineering comment was that the public streets must be fifty-foot right of way curb and both sides. He said that all of the streets inside the townhome development were going to be private streets maintained by the townhome association through mandatory assessments. He said that he believes that they are 28 feet from back of curb to back of curb.

Committee Comments:

Dan Dutcher asked the petitioner to clarify if the streets would meet City standards or not.

Charlie Frankenger said that the streets would meet all of the City standards for integrity and depth, but wouldn't meet the standards for width.

Carol Schleif asked why that was.

Charlie Frankenger said that 28 feet is a fairly common width for streets. He asked Angie Conn to clarify what the City requires for street width.

Angie Conn said that she didn't know what the actual dimensions were, but that she did know that when a development comes through with private streets, the petitioners are still required to build to City standards because you never know when the Homeowners might petition the City to take them over.

Wayne Haney said that usually when the Plan Commission approves zoning changes, there has to be a compelling reason. He said that many times the City has put townhomes as a buffer between commercial and single family residences. He said that he's been out to the site several times and he sees no compelling reason to change the zoning at all. He said that Highway 31 is going to become more restrictive, as to entries and exits from it, so that the likelihood of the property to the South of this development turning into commercial is extremely remote. He said that he thinks that this development would have a very bad influence on the existing neighborhood, which is one the Plan Commission's reasons for withholding zoning changes if it has a great adverse affect on the neighborhood. He said that the density is very high. He said that the townhomes are three stories. He said that he thinks that the Plan Commission has required other subdivisions to extend the connectivity of subdivisions in order to eliminate the people who live on a dead end street and to allow much safer passage of vehicles. He said that he thinks that this is an extremely dense development. He said that it would be 130 cars, where there might be twelve homes in a single-family development. He said that he has found no compelling reason to change the zoning at all.

Carol Schleif said that she agreed with that. She said that she thinks that the townhomes that are

down there are between O'Malia's and single family. She said that if you look at the overall and the aerials, everything around the site has wandering streets, which adds interest. She said that she doesn't find any interest here. She said that she thinks that the three stories is out of line. She said that she thinks that you are looking into someone's backyard and that creates privacy issues. She said to put the street in behind the Autumn Lake homes is really a cop out. She said that the real issue is making a transition between an R-1 that is really an R-1 to try to do something else with it. She said that she had a whole page of comments, but that she thinks that is the bottom line.

Rick Ripma said that he agreed with both of the others. He added that the other thing that concerns him is that he doesn't feel that the petitioners have worked with the neighbors at all. He said that he feels that the petitioners have kind of disregarded everything that the neighbors have said. He said that he didn't get that because the Plan Commission doesn't usually get that from developers. He said that he doesn't feel like the petitioners have done anything to help move the project forward.

Kevin Heber asked for some clarification on what exactly the package entails.

Angie Conn said that the petitioner will not have to come back before the Plan Commission again.

Dan Dutcher commented that from his standpoint said that the unique residential character of the neighborhood makes townhomes less compelling. He said that he thinks that if the petitioners come back with townhomes, he said that he isn't inherently against townhomes, but that he thinks the scale is wrong here and that aesthetics is an issue. He said that he really thinks the buffering is a concern. Personally, he said that he thinks that stub street is more of a viable option if it will buy some additional buffering and connectivity. He said that he just thinks that the scale at this location as it is proposed just doesn't fit.

Kevin Heber said that he is not against the rezoning, but that everything else just doesn't seem to fit.

Carol Schleif commented that keeping it R-1 could be very nice.

Charlie Frankenberger commented that the petitioners would like to come back on March 30, 2006 and respond to a lot of these issues. He said that regarding the concern that the petitioners have not worked with the neighbors, neighborhood meetings are not required. He said that even though they are not required, the petitioners did have a neighborhood meeting and that they listened to concerns. He said that many that were expressed at that meeting have been expressed again at this meeting. He said that the petitioners have indicated a willingness to attempt to address them. He said that right after the neighborhood meeting, the Plan Commission meeting occurred on the 21st and now the project is into Committee, so, he said, that there hasn't been a whole lot of time to make adjustments. He said that he doesn't want to give the impression that the petitioner is unwilling to work with the neighbors. He said that the petitioner intends to do that. He said that it is a fairly tight time frame between meetings.

Dave Compton commented that the petition won't be back until they scrub all these items discussed

and work it out. He said that they are not here to rush it. He said that they have received great input from the neighborhood meetings. He said that they will slow it down and that they are not in a rush.

Carol Schleif added that if the petitioners could stick to R-1, the petitioners might be able to win most everybody over. She said that she looked through the ordinance and said that there were a couple of things that the petitioners should consider. She commented that the petitioners should include more interesting elevations on the buildings. She said that she couldn't read the landscaping plan. She said that having the same material on four sides is a quality issue. She said that having streets that wander helps give interest, which is a big deal for Carmel right now. She said that is done for privacy as well as interest. She said that the petitioners should look into tree preservation on the site beyond the Monon area.

Rick Ripma added that he would like to see Engineered drawings of the community when the petitioners come back, so the Committee can actually understand the scale of the community. He said that he encouraged highly, whether it is required or not, that the petitioners meet with the neighborhood.

Carol Schleif said that the petitioners should look into not having communal mailboxes if possible.

Rick Ripma commented that he left the public hearing open, so that the neighbors could speak at the next meeting if they want to.

An anonymous resident suggested that the petitioners build one-story homes in there because there are none available in Carmel. She said that the petitioners would make a bundle of money doing that.

Docket No. 06010001 Z: Monon Townes PUD was continued to the March 30, 2006 meeting of the Plan Commission Subdivision Committee Meeting.

5. Docket No. 06010007 DP/ADLS: Gateway Pavilion

The applicant seeks Development Plan, Architectural Design, Lighting, and Signage approval for 6.98 acres, for the purpose of creating a gasoline service station related to a proposed retail development. The request is an amendment of an earlier submittal.

The site is located at 11000 North Michigan Road and is zoned B3/Business.

Filed by Joseph Calderon of Bose McKinney & Evans for Heritage RDG, LLC.

This item was heard seventh on the agenda.

Present for the Petitioner: Joe Calderon with Bose, McKinney, & Evans.

Petitioner's Presentation: **Joe Calderon**, at 600 E. 96th Street, representing the petitioner. He said that this project is in the Wal-Mart that straddles the County line. He said that what the petitioner has been asked to do is to show the Committee the entire big picture for the sake of context. He said that the Committee is really only approving one-third of the project. He said that what the petitioner had provided the Committee is the latest set of plans that have been drawn up. He said that sheet 6210

was the most important plan for the Committee to refer to. He said that the comments received at Plan Commission were relatively nominal. He said that he thought that the petitioner had done a fairly good job of providing connectivity back to the store. He said that from Carmel's perspective the petitioner wanted to ensure access was punched through all the way to the multi-use path. He said that the petitioner has since been to TAC again with the folks in Zionsville. He said that they had redesigned the entryway to make it a little more geometric to make it flow a little better. He said that he had actual copies of what was submitted to Carmel on February 10th for comparison. He said that he thinks that would be important to Carmel because it faces Carmel. He said that all of these things provide enhanced traffic and pedestrian safety. He said that Pearson Ford would be connected to the South. He noted that the landscape plan has been beefed up. He said that there is a thirty-foot greenbelt buffer that runs along Michigan Road. He said that they have basically created the same things all the way to the County Line in the side yards. He said that there is almost a boulevard approach on the North end and significant buffering on the South end. He said all of those additions were to address Scott Brewer's comments. He said that because the petitioner is a slave to two masters, they have taken the higher standard from the two ordinances—Carmel and Zionsville—and have included those plantings. He said that those were the major changes that were completed since the last meeting. He said that the intent of all of this is to be completely compliant. He noted that the standards to meet are very high. He said that the petitioner has worked very hard over the course of the last few months to go back and forth between Carmel and Zionsville. He said that at some point there was a fuel island positioned out in the upper parking lot a few months ago. He said that the petitioners pulled that out for business reasons and aesthetics and now he said that they have been made aware that they now violate Carmel's maximum set back requirement, which is apparently 120 feet from the right of way from Michigan Road. He said that the petitioner met with Staff to discuss several options. One of those options was seeking a variance to allow the building to be positioned where it is proposed without shifting it to within 120 feet of Michigan Road. He said that the petitioner is subject to Zionsville's 421 overlay as well. He said that this requires the petitioner to face the front of the building towards Michigan Road. He said that the petitioner is kind of stuck with the positioning of the building. He said that another option might be to put another building type structure of a small nature, such as a gazebo, up in the landscaped area. He said that the petitioner did not read the ordinance in the same way, but that they would like to use the committee session to explore what might be palatable. He said that he thinks that is the only hanging issue. He said that the petitioner is on schedule to provide Zionsville with their Plan Commission books this Friday.

Staff Comments:

Angie Conn said that with the new submittals provided tonight, she was sure that the Urban Forester would look favorable on the landscape plan. She said that the pedestrian connections had been provided. She said that the issue with the variance and setback is going to be handled by the Board of Zoning Appeals. She said that if the Committee doesn't mind, then this petitioner could be forwarded to the full Plan Commission.

Dan Dutcher said that he was intrigued at the idea of an architectural feature, such as a gazebo, as a solution to the maximum setback problem as opposed to sending the petitioner for a variance.

Carol Schleif asked if it had to be a primary structure or if it could be an accessory structure.

John Molitor said that the ordinance clearly contemplates a principle commercial building on every lot and he said that this was big enough to be considered a lot.

Carol Schleif asked what was going on North of the site. She wanted to know if the Committee would be setting a precedent.

Discussion ensued regarding interpretation of the ordinance with regards to the Maximum setback requirements.

Joe Calderon commented that the request in this case was due to the fact that this petition was subject to the ordinances of two different municipalities. He said that there were only two or possibly three parcels that would have the same dilemma, so he didn't feel it would be establishing a precedent.

Dan Dutcher commented that the reason he was intrigued by the architectural feature is because it strikes him that some kind of architectural feature could serve a couple of purposes. He said that this is a large parking lot, landscaping aside. He said that a gazebo or some sort of architectural feature could help break the monotony and it could give some sort of recreational opportunity. He said it could have a positive recreational and aesthetic purpose.

Carol Schleif asked what Zionsville's objection to the project was.

Joe Calderon commented that they didn't know yet that there is really an objection to it. He said that with the current design, the petitioner had only been to TAC meetings. He said that there was no question that some of the objection was from competing businesses, and that some of it was what you get in a Wal-Mart case. He said that the petitioners have changed a lot of things because they want to do the right thing.

Rick Ripma said that there isn't anything else that would have it this way along there. He said that everything else has front buildings. He said that there isn't anything else along that stretch that doesn't have front buildings. He said that he never shops Wal-Mart. He said that he does think that they have done an excellent job designing this building. He said that he is surprised that there is as much objection to it in Zionsville as there is because he thinks that it is very attractive. He said that it is obvious that Wal-Mart worked very hard to make it something that could be in that area.

Rick Ripma asked why the gas station was eliminated from the plans.

Joe Calderon responded that it was a business decision and that it was not well-received from the City of Carmel Staff either.

Carol Schleif said that she just wished that she knew what Zionsville wanted.

Dan Dutcher said that he agrees, but also noted that he felt that the petitioners deserved an answer from the City of Carmel on the part of the plan that is brought before them. He said that the petitioners could be waiting six months for Zionsville to make their decision.

Dan Dutcher commented that the Committee should go ahead and make their decision based on the merits of what has been brought before them and let Zionsville make their decision independently of Carmel's decision.

Carol Schleif asked if the project could be approved contingent upon Zionsville's approval.

Rick Ripma commented that his worry was that if it is approved, then Carmel has approved a parking lot for that lot. He said that if Zionsville doesn't approve the Wal-Mart, then Carmel still has a parking lot there.

Joe Calderon said that the petitioner would commit that they would not construct a parking lot there without the full development.

John Molitor commented that he thought that the Plan Commission's approval would have to be contingent upon BZA Approval or resolution of that issue. He said that his recommendation at this point would be that the approval be subject to BZA approval of a variance from the Maximum setback requirements or some other BZA authorization.

Rick Ripma asked if the Plan Commission was safe that if Zionsville decides against the Wal-Mart, that someone else can't come along and decide to do whatever they want and the Plan Commission has already approved the parking lot.

John Molitor commented that Carmel doesn't have jurisdiction over the back part of the parking lot, but that if the petitioner was going to make a commitment that they wouldn't put the parking lot in without Zionsville's approval, then he said that Carmel could definitely accept that. He said that the commitment would go with the parcel and the next owner would be subject to the commitment made.

Dan Dutcher made formal motion to send a **positive recommendation** to the full Plan Commission for **Docket Number 06010007 DP/ADLS: Gateway Pavilion contingent upon approval by the Board of Zoning Appeals of a variance/or alternative resolution of the front lot on Michigan Road issue and contingent upon Department's approval of a commitment to be drafted by the petitioner relating to the non-use of the lot as a parking lot if the companion request in Zionsville isn't approved.**

Carol Schleif seconded the motion.

Motion passed 5-0.

6. Docket No. 06010005 Z: Shelborne Property PUD

The applicant seeks to rezone 20 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing single-family residences.

The site is located on the west side of Shelborne Road, north of 121st Street.

Filed by Charles Frankenberger of Nelson and Frankenberger for Indiana Land Development Co.

Present for the Petitioner: Charlie Frankenberger with Nelson and Frankenberger. Paul Shoopman with Indiana Land Development.

Petitioner's Presentation: Charlie Frankenberger said that he represents Indiana Land Development in this request for a change in zoning. He said that twenty acres are the subject of the request. He said that the real estate is located North of 121st street on the West side of Shelborne Road. He said that immediately West of the property is Creekside Elementary school. He said that real estate is now zoned S-1. He said that while the permitted density is less than what is requested, the architectural requirements under S-1 are basically only a minimum house size that the house be at least 1000 square feet for a single story residence and 800 square feet on the main floor of a two-story residence. He presented a rendering of the plat to the Committee members. He said that approximately 18 % of the community will be preserved as open space. He said that there is a neighborhood park near the entrance. He said that the plan calls for a fairly large tree preservation area. He said that there are additional tree preservation areas to the South adjacent to the approved Kendall Wood subdivision. He said that the residences, as required by the PUD, are custom residences that exceed the S-1 requirements. He said that the expected price range is \$490,000 to \$690,000. He said that he thinks that is a conservative price range.

General Public Comments Unfavorable:

Dee Fox, who resides at 11389 Royal Court, commented that she was very heartened to hear the Committee members say that there should be a compelling reason for a Rezone. She said that it seems like in Western Clay township, all of a sudden, density and zoning do not matter at all. She said that she is having trouble seeing the reason for the development. She said that this is one of several proposals that are all virtually the same. She said that the petitioners want to rezone for higher density. She said that it doesn't add anything in originality to the area. She said that it doesn't add anything to help bring diversity to the area. She said that, if anything, the lots are getting smaller and smaller and the lots are getting more and more expensive. She said that Western Clay township is the last area. She said that people moved to Western Clay township because they didn't want an Urban environment. She said that Urban environments are being created in the City Center, which is where they should be. She said that virtually all of the surrounding developments are S-1 and people moved into the area to get the space. She said that she doesn't understand why Western Clay township needs to be rezoned over and over again to accommodate more townhomes. She said that the Village of West Clay was supposed to be an exception. She said that she wishes it would stay that way, but that it was quickly becoming the standard to be met or exceeded. She said

that if it is okay to just rezone everything out there because someone wants higher density, then she wishes someone could explain that to her, because she doesn't understand it.

Jeff Kimball, who resides at 3940 W. 121st Street, said that he submitted a letter on the 21st of February that summarized his concerns regarding the development. He said that he has not had any other discussion with Indiana Land Development since that meeting.

Public Comments Favorable:

Kathy Sunsdahl, who resides at 12240 Shelborne Road, said that she is actually very pleased at the possibility of this development. She doesn't consider this to be high density. She said that these are going to be custom homes and she thinks that they will be very nicely built. She said that she is actually in support of this.

Petitioner Rebuttal:

Charlie Frankenger said that he agrees that this is not a high-density residential subdivision. He said that there is recognition that Western Clay township is not going to be developed at the rate of one per acre for the remaining 5000 plus undeveloped acres in Western Clay township. He said that he thinks that the focus has turned away from high density more toward the quality of the homes. He said that recently the S-1 classification was amended to be uniform at 1.0 for the density. He said that the purpose of that amendment was not to limit density as much as it was to stop the proliferation or sprawl. He said that he thinks that what the Council was hitting at was getting more control of the architecture and home quality through that amendment.

Staff Comments:

Angie Conn said that staff has compared the Draft copy of the residential guidelines with what the petitioner has proposed in a chart as part of the department report. She said that, basically, full compliance can be achieved by doing certain minor changes to the garage doors, window locations, and trim. She said that the Department report also talks about Universal Design, which is good to have because it allows people to remain in the same home as they age. She said that she would let the petitioner address the further comments. She said that the Department recommends that the Committee continue this request to the March 30, 2006 meeting.

Charlie Frankenger said that he would start with Universal Design. He said that he has not heard of it before. He said that the petitioner's concern with Universal Design is that it would result in significantly increased construction costs. He said that the petitioner would certainly offer it to anyone who would want Universal design in their home, to make it available to them as a building option. He said that he thinks that most people will elect not to have that. He said that regarding the staff report and the architectural standards. He said that the petitioner can have a full masonry chimney on the exterior.

Rick Ripma commented that the Committee has required of other subdivisions to have full masonry chimneys on the outside but not on the internal ones.

Charlie Frankenberg said that there wouldn't be any shed chimneys. He said that he was a little confused as to the window numbers. He clarified that if there were a two-story home, it would have to have four windows on the side elevation. He asked if that seemed like an excessive amount of windows. He said that even on custom homes, when he's driving around, he doesn't see a lot of homes with four windows on each side elevation. He said that the garage set back would probably vary from builder to builder. He said that if you have a front loaded garage with the garage door parallel to the street, they should be set back between 3 and 5 feet if that is helpful. He said that he thinks those are the only architectural things they are requiring. He said that regarding the second page of the staff report, items 1-8. He said that a revised landscape plan has been submitted and is under review by the urban forester. He said that the petitioner would provide details on amenities. He said that since this is a small subdivision it wouldn't be able to support a very large amenity area. He said that he didn't think it could support a swimming pool. He said that the neighborhood would have some amenities in the forms of a tot lot and playground. He said that most of the common area would remain open space and tree preservation as shown on the plan. He said that regarding the upgrades to Shelborne Road; the petitioner was prepared to do those. He said that the PUD indicates that the development will encourage walkability and pedestrian friendliness. He said that, perhaps that statement shouldn't be in the PUD ordinance. He said that it is the staff comment that the PUD should set forth mandatory requirements and not encouragements. He said that he thinks what is meant by the statement is that all the common areas will be accessible along with the perimeter through the sidewalk system internal to the subdivision. He said that the PUD indicates that porches are permitted. He said that statement could be eliminated. He said that porches are going to be encouraged but not required in all instances. He said that there is a statement in the PUD that says that "all exterior walls will be given equal architectural treatment and design". He said that he thinks that the petitioner needs to give that statement better specificity because he is not sure what is meant by it. He said that he doesn't think all four elevations on a house can be equal because a front elevation is different than a side and a rear. He said that he thinks what is meant by it is that the sides and the rear of the home are going to be nicely articulated. He said that since there is not a builder yet, it is difficult to say that this is exactly what the homes are going to be. He said that the homes would be custom homes. He said that the illustrations were intended to give greater detail and meaning that couldn't be achieved through the words of the text. He said that the petitioner would install a ten-foot pedestrian path along Shelborne Road. He said that regarding the communications with Carmel Engineering; the petitioner's engineer has been in touch with the City's Engineer and will work out all Engineering concerns to their satisfaction.

Rick Ripma commented that the Universal Design is something that he had never seen before. He said that he would like to understand it. He said that he doesn't understand why Carmel would want to tell the builder or developer how they are supposed to build a house. He said it is called Universal design, but he said it is basically handicap accessible. He wanted to know why the City would want to do that?

Angie Conn responded that if people were to purchase a home with the intentions of staying in that home for the rest of their lives, at some point you might be in a situation where you would be in a wheelchair.

Rick Ripma said that the person could make that decision and have the home built that way. He said that he wanted to know why the City would demand it.

Carol Schleif commented that there is precedence for requiring a certain percentage of ADA units, maybe not here, but elsewhere.

Rick Ripma said that he disagrees with it elsewhere and he disagrees with it here.

Kevin Heber said that the home would be there longer than a generation, so he said that he could see where it could come into play.

Carol Schleif said that 32-inch doorways are not a big deal.

Rick Ripma said that he doesn't have any idea why Carmel would do Universal Design. He said that it doesn't make any sense to him. He said that it says that the homes will have porches. He asked for clarification as to what type of porches. He said that he would like to have greater detail on that, so he knew what they were talking about. He said that he has heard them say custom builder. He said that he would like it written in what the petitioner means by custom builder, so they know what they are getting.

Dan Dutcher said that the two issues that he wanted to bring up were that he would like to have more information on the density issue. He said that he wants information comparing what this has proposed to what would have been permissible under the former ordinance versus what is permissible under the current one just so that the Committee can fully understand what the extent of the additional density might be. He said that as it relates to the Draft residential guidelines, he favors being as committed as we can be to incorporating these. He said that he thinks the City should be reasonable. He said that, in general, he favors addressing the issues that are identified and, if they are not included in the PUD, he favors including that language in the PUD. He said that if the Committee and the petitioner needs to come to some sort of resolution with the chimneys, that's fine. He said that it's fine if the petitioner and the Committee need to come to some sort of resolution on the number of windows. He said that it sounds like the porch issue has been resolved. He said that he wants to come to resolution on the issues, so that stuff can be articulated into the PUD. He said that the main point that remains true is that Carmel has gone to more of a PUD approach as a means to try to achieve greater quality. He said that he sees the Draft residential guidelines as a means to try to achieve that and so he wants the petitioner to be sure to include that in the PUD Drafts. He said that he thinks those are the only comments he had.

Carol Schleif said that she doesn't see a compelling reason to switch the requirements of the S-1 zoning. She said that she sees building height going up ten feet, she sees three stories happening, she said that the petitioner is under the minimum lot area, the front yard setback is half what it was and half for the side yard. She said that the rear yard is five feet less. She said that the lot width is from 120 ft. to 91 ft. She said that the lot coverage is from 35% to 75%. She said that she thinks that can be taken care of along with having an interesting layout in the neighborhood, the wandering streets, and so forth. She said that she doesn't find the layout very exciting. She said that it is very

grid-like. She said that for this price range, she would like to see a little more variation. She said that she doesn't like the hearty planks. She said that she thinks there ought to have real materials there and not imitation wood. She said that she thinks that the front elevation materials should be the same quality all the way around the house. She said that if there is brick on the elevation, then it should be brick all four sides. She said that tile roofing materials is a problem in this climate. She said that metal roofing doesn't belong on a residence in this area. She said that is more an agricultural, high-tech look, which isn't appropriate here. She said that she would suggest the sidewalks coming into the main entry be more than three feet wide. She said that she doesn't want to see garages facing the street. She said that the street trees were noted as 6 ft. trees and thought that was inadequate. She said that green features were very important. She said that sells property too.

Kevin Heber said that project was on the fringe of Zionsville and Carmel's core. He said that for him the big thing was density because the people who lived there were going to have to drive the furthest to get anywhere. He said that his feeling is that it has to be as close to 1.0 as possible because the development was as far away from everything as it could get. He said that the Village of West Clay isn't really a sure bet as far as being a more urban environment. He said that he doesn't find the compelling reason to go 2.0 with this.

Wayne Haney said that he wanted to make a comment for Rick Ripma about the Universal Design requirements. He said that he was involved in several thousand homes in California for the government for naval officers and stuff. He said that these are bare minimums...the main entrance had to be 36 inches in order to get furniture in. He said that all bathrooms had to be reinforced, so they could put grab bars up. He said that he thought that was Universal. He said it is coming on like it is something unique, but that the government has been doing it for twenty years.

Rick Ripma said that he has no problem with the military doing it with their own buildings.

Wayne Haney said that they were seeing the future.

Rick Ripma said that he thinks that the City is overstepping their bounds in this.

Wayne Haney said that he had a contrary opinion.

Rick Ripma said that making the change in the densities was not to elicit quality as much as it was to retain control. He said that it was never the intention to make developers come in at 1 home per acre. He said that doesn't mean that you disregard density, but he said that you have to remember why the Plan Commission and City Council made that change.

Dan Dutcher clarified that the recommendation was to continue the request to the March 30, 2006 meeting.

Carol Schleif added that the gable fly rafters should be more than six inches, it could help window rot below.

Rick Ripma said that **Docket number 06010005 Z: Shelborne Property PUD** would be **continued to the March 30, 2006** meeting and that the public hearing remained open.

Dan Dutcher asked the petitioner, that in the event that something would change with the plan, to give members of the public a chance to review it themselves.

Rick Ripma commented that he would like to see the Engineered drawings for the next meeting.

7. Docket No. 06010009 Z: Crook PUD

The applicant seeks to rezone 20 acres from S1/Residential to PUD for the purpose of platting 40 single family homes on 20 acres.

The site is located at 2238 W. 136th Street and is zoned S1/Residential.

Filed by Charlie Frankenberger of Nelson and Frankenberger for Indiana Land Development.

Present for the Petitioner: Charlie Frankenberger with Nelson and Frankenberger.

Petitioner's Presentation: **Charlie Frankenberger** noted that he was representing Indiana Land Development in this request for rezoning. He said that the parcel is located at 136th Street East of Towne Road. He said that Westwood Estates is adjacent to the proposed development. He mentioned a buffering agreement in Westwood Estates. He said that the real estate is now zoned S-1. He noted that the existing residence would stay. He said that the homes will exceed the S-1 requirements in Architecture and that the estimated price of the homes would be \$380,000 to \$580,000. He said that the staff report is identical to the one for the Shelborne PUD.

Public Comments Favorable:

Andy Crook, of 2288 W. 136th Street, supports the rezone change. He said that when he moved to the area in 1988 it was pretty open. He said that when Saddlebrook came in, the area got a substation. He said that the true density is higher than 1.4. He added that he thinks that the layout does a nice job of taking into consideration the homes to the North.

Public Comments Unfavorable:

David Martin, who is building a home in Westwood Estates, commented that Westwood Estates would be connected to the future Pittman development called Sweet Charity Estates. He said that it is as custom as anyone wants to be. He commented that the density is just in excess of 1.4 and that the lots are similar in size to what is being proposed here. He said that his concerns are with green space and open space. He said that he wasn't sure who would want to pay for the existing property when it is completely surrounded by development. He asked if the existing property would be accessible and usable and if the owner would be a good neighbor to have. He said that the lot sizes as proposed would be approximately .24 acres. He said that he did some research in the MIBOR database and found that in the last twelve months the average sale price of a home with a lot size of

.2-.24 acres was \$322,000. He said that was representative of 30 sales. He clarified that was in Carmel in Clay Township. He said that if the lot prices in the new subdivision were going to be well over \$100,000 he said it suggests to him something possibly less than 2 to 1 improvement to land costs. He said it isn't until you get up into lot sizes of approximately .33 to .4 acre lot size does the price start to get up into the \$500,000 price range. He said that the exception might be Westwood Estates. He said that he is not sure that he can understand a compelling reason to increase the density unless the petitioner can at least accomplish something comparable to what is happening in Westwood Estates.

Tom Papay, of 2030 West 136th Street, he said that he was in the Papay subdivision. He said that it wasn't that he was against the neighborhood because they knew that it would happen at some point. He said that he just had a few comments. He said that what is there now is part of the neighborhood. He said that if one takes a slightly broader look at this area and look at the flow of the surrounding neighborhoods. He said that one could see the green space through Saddlecreek and the other surrounding neighborhoods. He said that it might be nice to have a park or pool installed that could be shared between the two neighborhoods.

Dee Fox, of 11389 Royal Court, said that her biggest concern is that by going to the PUDs is that what it has ended up doing in reality is that now there is no minimum open space requirements and now there is no density guideline either. She said that even though PUDs were not necessarily intended for density to be disregarded that seems to be what is happening. She said that she thinks that there is a misconception that people think that all the rest of the land in Western Clay Township should be one house per acre. She said that wasn't true. She said that she doesn't think that anyone expects that. She said that what she would like to ask is that the Committee and Plan Commission not let the remaining parcels be rezoned to double and triple what they would have been with minimal open space on top of that. She said that part of the argument for the Fortune property was that higher densities were needed because of the higher densities in the Village of West Clay and that they had devalued the land around them. She said that being stated, people are still trying to increase the densities that they just said devalued the property next to them. She said that she sees that as a very realistic domino effect. She said that the citizens were told that a domino effect, when the concern was raised regarding the density in the Village of West Clay, wouldn't be allowed to happen, but it is. She said that there should be some limits on the density. She said that she thinks that doubling and tripling is a little much. She said that they should keep it with what the surrounding neighborhoods are.

Mr. Bartz, of 2087 Renegade Court in Westwood Estates, said that Mr. Shoopman has met with him a couple of times. He said that he is representing four other neighbors. He said that Mr. Shoopman has made some commitments to do some things with the bufferzone. He said that he wanted to make sure that those commitments were made part of the public record. He said that Mr. Shoopman also made some concessions about not allowing basketball courts or tennis courts or stuff like that. He said that he is concerned with what happens with that large of a lot. He said that he is concerned that it is just opened up to the buyer. He said that lot is right out of his back window and that the homes are constructed, there are a lot of windows on that side of the house. He said that he doesn't have any ideas or suggestions about that. He said that he was hoping that the Committee would give that some thought to see if anything can be done with it if the project moves forward.

Petitioner's Rebuttal:

Charlie Frankenger said that regarding the parallel drawing between what is proposed here and the Fortune proposal, he said that he thinks it is a comparison of apples to oranges. He said that the Fortune proposal is in response to a section of the Village of West Clay, which on that corner has been approved for 7.4 units per acre. He said that a commercial area on the corner permitting among other uses a freestanding fast food restaurant with a drive through facility, a gas station, a liquor store and a grocery store. He said that it is from that that the Fortune parcel is transitioning. He said that this is really a different type of proposal. He said that there had been significant changes in Western Clay Township. He said that Western Clay Township has not developed at one unit per acre under the Residential Open Space Ordinance. He said that it has developed at greater density than one unit per acre and with homes that are not of the value proposed. He said that the homes that are generally proposed are above the S-1 requirements but are not of the same price point that is proposed here. He said that the price point of the homes that is proposed is comparable to the homes in Westwood Estates. He said that the lots on this parcel, as proposed would be larger than the lots in Westwood Estates. He said that the land that is developable that is dedicated to open space has been taken into account when calculating density. He said that Mr. Crook's only point is that when you take from the Westwood Estates parcel the land that could not be developed anyway, it's net density, if you will, is comparable to what is being proposed here. He said that the petitioner has no intention of taking out the trees and developing it for lots. He said that regarding Mr. Bartz's concern, the petitioner would meet with him to establish commitments that address his concern about development in his backyard.

Staff Comments:

Angie Conn said that at the last public hearing someone in the audience mentioned the need for some of the developments to include some affordable housing options. She said that again, the staff report includes a comparison between the PUD and the Draft Carmel Residential Guidelines. She said that the Department report was similar to the last petition. She said that Universal Design could be an option. She said that upgrades to 136th street would be required. She said that the requirements of the alternative transportation plan there should be a ten-foot pedestrian path along 136th street. She said that Carmel Engineering said that the petitioner still has not responded to their TAC comments.

Dan Dutcher said that he wasn't sure of additional comments beyond the comments made for the last proposal, but that he thought that the density comparison would also be helpful in this case. He said that his other comment was that he wants the petitioners to nail down some of the hanging issues and make sure that they are reflected in the PUD.

Kevin Heber said that he looks at circles radiating out from a core area. He said that the further out from that core area, the less dense it should be. He commented that he doesn't know what the right number is, but that he felt that the last proposal should be less than two and that this number should be a little bit more than that because it is slightly closer to the Village of West Clay. He said that he agreed with Dan that the density issue should be studied a little better. He said that his only other

comment was about the entry alignment. He said that it was almost like the entry would not line up with another entry in the future because of the parcel line to anything South of 136th street. He said that he wasn't sure if there was anything they could do about that, but he said that he was trying to think ahead and make these things line up and make sense with each other. He asked the petitioner to explore putting the ponds underground.

Charlie Frankenger responded that there are many people who think that the ponds are attractive and a nice visual amenity. He said that the cost of storing water underground is about three to five times the costs of having it stored like is proposed. He said that it can happen, but when it is usually cost feasible for it to happen is in Commercial real estate where the land above can be used for other purposes such as parking lots. He said that in this subdivision it couldn't be used for those purposes. He said that putting it underground is quite expensive and it would have a ripple effect on the price of the lots and the feasibility of the development. He said that is the primary problem with underground water storage in residential development. He said that in some larger residential developments it might be more feasible because there might be larger amenity areas with parking lots under which the waster can be stored. He said that in this development it is cost prohibitive.

Carol Schleif said that she thinks that if the minimum lot area is in line with the S-1 zoning, she thinks that would help the density issues right away. She said that the proposal is more than one-third less than what the S-1 requires. She said that if the setbacks are reduced and the lot coverage is reduced, etc. She said that she thinks that if the proposal were closer to S-1 it would solve a lot of the problems and be more attractive. She said that having fifteen houses in a row on a straight street doesn't feel like a house of the quality that the petitioner has proposed. She said that curving roads help and add interest. She said that she would probably have the driveways thirty feet back from the road. She said that she thinks that probably applies to most projects. She said that is just a car length and a half. She said that she thinks that, if the petitioner goes back to lot sizes, that the petitioner will have more room to do more traditional driveways and building setbacks. She said that Black Hills Spruce was discussed and she said that she thinks that particular tree only likes acidic soil, so the petitioner should verify that with Scott.

Wayne Haney commented that he actually enjoys ponds. He said that he was wondering if there was any active recreational space planned for the tree preservation space. He suggested a tot park or something to walk to.

Carol Schleif suggested that the existing home be used for a recreation building. She clarified that the home would be salvaged, but that it would be sold as another lot in the Subdivision. She clarified that the home was a style that it would fit with the rest of the neighborhood.

Rick Ripma asked if the petitioners could provide a picture of Mr. Crook's house for the next meeting.

Rick Ripma said that **Docket Number 06010009 Z: Crook PUD** would be **continued** to the next meeting to be held on March 30, 2006. He said that the public hearing would remain open.

8. Docket No. 06020005 OA: Michigan Rd Overlay/Use Table Amendment

The applicant seeks to amend the Zoning Ordinance in order to amend the development standards in Zoning Ordinance Chapter 23C and to amend the Schedule of Uses in Appendix A.

Filed by the Carmel Department of Community Services.

Present for the Petitioner: Adrienne Keeling for the Department of Community Services.

Petitioner's Presentation: **Adrienne Keeling** said that the Department is proposing some changes to the Michigan Road Overlay district as well as the Appendix A: Schedule of Uses. She said that the proposed changes are summarized in the packet, but they are limiting retail uses to seventy-five percent of the gross floor area of projects in the B-3 district located North of 106th Street, allowing residential uses, not requiring them, but allowing them up to fifty percent of a projects gross floor area, requiring each lot to contain a building with a minimum of 2500 square feet of gross floor area, and establishing a maximum gross floor area of 85,000 square feet. She said that the proposed changes to the Appendix A: Schedule of Uses would include eliminating several classifications, namely surgery center, urgent care, rehabilitation facility, physical and occupation therapy, café, delicatessen, coffee shop, etc. She said that the Department doesn't feel that the Schedule of Uses, as it is, is an accurate representation. She said that the eliminations won't be eliminated, but would be included under other headings. She said that the Department is also proposing that General retail should be included in the B-5 zoning classification. She said that right now the Old Town Overlay does allow retail in that sub-area. She said that it doesn't allow general service either. She said that is summarized in point three in the Committee members' memo. She pointed out that there are a lot of general retail and general service establishments along there. She said that the Department feels like those are acceptable uses to be located in those districts. It also includes allowing restaurants without drive-thrus in the B-7 and M-3. She said that pages 5-6 of the use table, the Department is proposing some changes having to do with parking lots. She said that the Commercial parking lot category shows up on page 5 but under Miscellaneous. She said that the Department is simply proposing to move that under the heading of transportation and communication uses. Leaving all of the permitted areas the same, just moving it to a different heading. She said that the Department is proposing to add the private parking area classification as an accessory use.

Public Comments:

Joe Calderon said that it seems to him that this is drafted and that he doesn't know that it is anything but arbitrary. He said that he doesn't think that there is a darn bit of difference between Michigan Road South of 106th and North of 106th. He said that he needed to know the magic behind staff's thinking about 85,000 square feet. He said that the City already has standards that control building size quite adequately. He said that doesn't think a maximum size is needed in this case. He said that he doesn't understand this notion of maximizing retail only in the B-3. He said that he thinks the City of Carmel has enough protection in the ordinance and in the current development standards, and in the approval process to manage that without the need for this other than basically

to take a project, like he just presented and just kill it. He said that given the fact that Michigan Road has developed as it has, he said that he doesn't see a real need or rationale behind this proposed ordinance amendment. He said that the dynamics of what has already taken place would be changed. He said that he thinks that the City needs to think a little farther than the couple of pieces up north that hasn't developed yet. He said that he thinks the amendment should be compared with the entire Michigan Road corridor. He said that as far as transition, there is residential backing up to the retail along Michigan Road South of 106th the same as to the North of 106th. He said that he is trying to say that he doesn't get this.

Wayne Haney asked if the purpose of this was to make a transition from heavy commercial to residential farther up the road.

Adrienne Keeling responded that with it being more intense to the South transitioning to the North.

Carol Schleif asked if the zoning on those parcels could just be changed.

Adrienne Keeling responded that the overlay is really what regulates what goes happens on the parcels. She said that other than use, the underlying zoning doesn't bear a whole lot of regulation on the parcels.

Joe Calderon said that he would think that an overlay would serve the purpose of supplementing or supporting underlying zoning. He said that he thinks that it is very dangerous to start taking overlays and using them to change uses. He said that is what zoning is for. He said that he thinks that it is a very dangerous path to go down. He said that he has lived in Carmel his whole life and seen Carmel grow up. He said that when he sees an overlay being used as a use ordinance, he thinks it is a dangerous thing if it were to be challenged. He said that the overlay that is in place is pretty darn strong. He said that the Committee could see evidence of that in the last project. He said that this proposed amendment takes away the underlying right to develop the property.

Discussion ensued regarding some of the building sizes and square footages along Michigan Road.

Adrienne Keeling noted that this amendment would only cover the B-3 Zoning classifications in the area.

John Molitor said that if the Michigan Road Overlay amendment was the only element of the petition that is causing some consternation, he said that perhaps it should be severed from the rest of the petition. He said that several of the items were clean up and should be moved along. He said that the Michigan Road stuff could still be carried forward as an agenda item for next month.

Joe Calderon said that the Ch. 23c stuff was problematic for him.

Carol Schleif said that she would love to have a little more time to consider the amendment.

Dan Dutcher made formal motion to send only the **Appendix A sections** of Docket Number

06020005 OA back to the full Plan Commission with a **favorable recommendation**, leaving the Michigan Road Overlay (Ch. 23C) portions of the ordinance amendment to carry over to the next meeting.

Wayne Haney seconded the motion.

Motion was approved 5-0.

Rick Ripma asked Adrienne Keeling to be prepared to give the Committee more logic on why this is being proposed at the next meeting.

The meeting was adjourned at 9:41p.m.

Subdivision Committee Chair – Rick Ripma

Respectfully Submitted By: Laura Rouse-DeVore